

AMENDMENT TO RESTRICTIVE COVENANTS
CONTAINED IN DEEDS OF SUBDIVISION, DEDICATION,
EASEMENT AND DECLARATION OF
ABRAMS POINTE, PHASES 1A AND 1B
[concerning Article VI, Section 41]

THIS AMENDMENT TO THE RESTRICTIVE COVENANTS CONTAINED IN DEEDS OF SUBDIVISION, DEDICATION, EASEMENT AND DECLARATION OF ABRAMS POINTE, PHASES 1A AND 1B is made effective this 14 day of January, 2022, by the Lot Owners in the above-named subdivision, as evidenced by the Certification and notarized signature of the President of the Abrams Pointe Homeowners Association, Inc. ("Association"). The original signatures of the Lot Owners are retained with the corporate records of the Association by its Secretary.

WHEREAS, Abrams Pointe, Phase 1A was subjected to the covenants, restrictions, easements, charges and liens set forth in the Deed of Subdivision, Dedication, Easement, and Declaration of Abrams Pointe Phase 1A recorded as Instrument No. 090012546, corrected by Corrected Deed of Subdivision, Dedication, Easement and Declaration of Abrams Pointe Phase 1A recorded as Instrument No. 100011764, and amended by Amendment to Deed of Subdivision Dedication, Easement, and Declaration of Abrams Pointe Phase 1A recorded as Instrument No. 120014009 among the Frederick County, Virginia land records (collectively, the "**Covenants and Restrictions**");

WHEREAS, Abrams Pointe, Phase 1B was subjected to the Covenants and Restrictions by the Deed of Dedication, Easement, and Supplementary Declaration of Covenants and Restrictions of Abrams Pointe Phase 1 B recorded as Instrument No. 120014010 among the aforesaid land records;

WHEREAS, Article X, Section 3 of the Covenants and Restrictions provides that the Covenants and Restrictions may be amended, after more than ten years from the date the Covenants and Restrictions were recorded, by an instrument signed by not less than sixty percent (60%) of the Lot Owners;

WHEREAS, more than sixty percent (60%) of the Lot Owners desire and intend to adopt an amendment to the Covenants and Restrictions, as evidenced by their signatures as hereafter set forth, to authorize consideration of an arbitration program by the homeowners' association, subject to further Lot Owner approval. This arbitration amendment is deemed an additional restriction; and

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WHEREAS, the President of the Abrams Pointe Homeowners Association has certified that more than sixty percent (60%) of the Lot Owners have approved the amendment and the certification is recorded herewith.

NOW, THEREFORE, in accordance with Article X, Section 3 of the Covenants and Restrictions, the following amendment has been adopted by the requisite number of Lot Owners:

Article VI is hereby amended with the addition of a new Section 41, as follows:

Section 41. The Association is authorized, but not obligated, to establish a binding arbitration procedure or other alternative dispute resolution mechanism for resolving any disputes between the Association and a Lot Owner regarding the enforcement of these Covenants and Restrictions so long as those procedures are adopted in accordance with Virginia Code §55.1-1828 C, and otherwise comply with the requirements of Virginia law.

WITNESS the following signature and Certification of the President and seals:

[SIGNATURE PAGE TO FOLLOW]

CERTIFICATION

I, the undersigned principal officer of the association pursuant to VA Code §55.1-1829 F. hereby certify, that the requisite majority of lot owners (44) have signed the above-stated amendment.

Executed this 10th day of November 2021.

Jack H. Morana

President

Abrams Pointe Homeowners Association, Inc.

COMMONWEALTH OF VIRGINIA

CITY/COUNTY of Frederick, to-wit:

The foregoing instrument was acknowledged before me this 10th day of November, 2021 by Jack Morana, President of Abrams Pointe Homeowners Association, Inc

Sara O'Hara

NOTARY PUBLIC

Commission expiration date and seal:



VIRGINIA: FREDERICK COUNTY, SC1.

This instrument of writing was produced to me on

01-14-2022 at 12:31 P.M.

and with certificate acknowledgement thereto annexed was admitted to record. Tax imposed by Sec. 58.1-802 of

\$ NA, and 58.1-801 have been paid, if assessable

Rebecca P. Hogan, Clerk